

# Exhibit 10

1

1 PHONE CALL TO JEFF WHITE

2 CHERYL: Fed Ex Home Delivery. This is  
3 Cheryl. May I help you?

4 CT: Yes. Cheryl, is Jeff White in,  
5 please?

6 CHERYL: He's in, but he -- I'm not sure  
7 if he's in his office. He might be in a  
8 meeting with Jim right now.

9 CT: Okay. This is Charlie Thornton. We  
10 had a conference call this morning.

11 CHERYL: Uh-huh.

12 CT: He wanted me to call. And I'm out  
13 of Montgomery. So if you could, please let  
14 him know that I have called. He told me to  
15 call a little after 10:00.

16 CHERYL: Uh-huh.

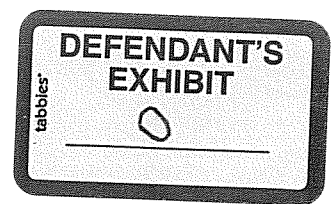
17 CT: That's our time.

18 CHERYL; Okay. Let me just check first  
19 and see if he's in his office; okay? Hold  
20 on, please.

21 CT: Thank you.

22 CHERYL: Uh-huh.

23 (on hold.)



1 PHONE CALL TO KENT GASTINEAU

2 CT: -- told me through Cheryl to give  
3 you a call. He didn't say why or anything,  
4 but he told me to give you a call, so I'm  
5 calling you.

6 KG: Okay. He told me this morning -- I  
7 thought you -- He didn't say anything about  
8 about me calling you or why, or he didn't say  
9 anything about me being on a call with you.

10 CT: Hmmm.

11 KG: He told me that he didn't think he  
12 was going to be able to get around --  
13 (unintelligible) -- He said there's a route  
14 approved if you want to go to Anniston and  
15 deliver their southwest route, which would be  
16 the closest thing to here, and you would end  
17 up -- (unintelligible) -- close to your home  
18 every day -- the closest way you could. You  
19 know, where he -- he has a -- he has that  
20 available. He doesn't think that he's going  
21 to be able to do any finagling of getting the  
22 route approved here. He's going to work on  
23 it, but he did not see -- (unintelligible) --

1       that the prognosis of it would be good.

2           CT: Do you know where Anniston is  
3       located?

4           KG: Yes, I do.

5           CT: That is -- Kent, that is just --  
6       That's totally ridiculous. I mean, there's  
7       no way that I can do that. There's just -- I  
8       mean, you can see the point that I'm trying  
9       to make?

10          KG: I understand that. Yes, sir, I  
11       understand that.

12          CT: Well, let me ask you -- Well, he  
13       said that he was going to have to call me  
14       back. Kent, I don't know what to do, man. I  
15       mean -- uh -- I'm going to have to do  
16       something. I don't know, you know, as far as  
17       your the truck payment, there's just -- I  
18       mean, there's no way I can go to Anniston,  
19       Alabama, and relocate. I mean, what --  
20       what -- what else -- what happened in this  
21       situation?

22          KG: Well, I -- I don't really understand  
23       it. I thought that we were approved for two

1 routes, but apparently we weren't. We were  
2 only approved for one route and somehow it  
3 got -- (unintelligible) -- where you got a  
4 vehicle, got a vehicle number then -- we got  
5 the vehicle number and got it approved -- got  
6 a number because he was called -- Chad was  
7 called -- and somehow it got passed through  
8 the system. The vehicle number was issued.

9 CT: What gets me about the whole thing,  
10 nothing like this was ever told, you know, to  
11 me. It was like it was more of a paperwork  
12 problem than anything.

13 KG: Well, that's what it is. That's  
14 what it is. It's a paperwork problem. I  
15 thought we were approved for two routes and  
16 we were approved for one route.

17 CT: Well, you know, when I first -- when  
18 I first started, it was like there was two  
19 routes available, possibly three, and we was  
20 talking about East Montgomery, the Troy route  
21 possibly available, and then Wetumpka. And I  
22 mean, now it's come down to this.

23 And, Kent, you know, I don't know -- I --

1 I don't -- I mean, there's a \$40,000 vehicle  
2 sitting out in my front yard. I mean, I  
3 don't -- you know, what I am going to do? I  
4 mean, Jeff or somebody up the line ought to  
5 be trying to get in touch with me and say,  
6 Charlie, this -- you know, hey, all we have  
7 got is Anniston, Alabama. Anniston, Alabama  
8 is a long ways away. You know --

9 KG: Yes I do.

10 CT: And there's just -- That is just  
11 ludicrous. I mean, they should be saying,  
12 hey, we messed up. And somebody -- I mean --  
13 and we're going to do this and this and this.

14 Because, Kent, I mean, just between me  
15 and you, man, this is detrimental to me. I  
16 mean, it really is. And I mean, I'm not -- I  
17 don't know -- I'm not -- I don't know who to  
18 lay the blame on. I don't know who to lay  
19 the blame on. But, man, this is just bad. I  
20 mean, it's like, you know, you're in the deep  
21 end of the pool and you can't swim and you're  
22 going down.

23 KG: Yes.

1 CT: But -- Well, Kent, I don't know,  
2 man. I'm going to have to -- I'm going to  
3 have to do something and I -- I -- because  
4 it's me. I mean, Fed Ex, they just can't be  
5 totally not responsible for some of this crap  
6 that has happened. Because I would have  
7 never done it and you know that. You  
8 wouldn't do it. Nobody else would do it.  
9 But I don't know. You know, he said he would  
10 call back, but -- What happened to the  
11 Wetumpka thing? I mean, that was not a done  
12 deal or -- you know, what was that?

13 KG: Well, that's -- That's where  
14 Pettaway's running two routes and a  
15 supplemental every day. And he worked to get  
16 approved for a third route, but I'm not going  
17 to give him a third route because he can't  
18 turn his his book and maintenance in. His  
19 service isn't great, but he's -- but he's  
20 running it. And I wanted to take that  
21 supplemental route away from him and turn  
22 that into a new other contracted route.

23 CT: Right.

1           KG: Because there's not enough packages,  
2           not enough stops in order to do that is what  
3           he's told me now. Back January, February --  
4           Back in February when I was trying to get  
5           approved, I told that Pettaway was going to  
6           do supplemental every day, and that was my  
7           plan, was to get another contractor person  
8           out in that area; in other words, you.

9           CT: Right.

10          KG: But he said that there's not enough  
11          packages.

12          CT: What happened to that East  
13          Montgomery deal, you know, out Pike Road and  
14          Mathews and that area?

15          KG: Pike Road and Matthews is on the  
16          Fuller route. I think he's got that. The  
17          116 route, which Brown had been taking care  
18          of --

19          CT: Right.

20          KG: In February based on taking care of  
21          it, I kept having service problems. And Tina  
22          has agreed to take that area plus all her  
23          other stuff, because all her route -- because

1 she was able to get done early with 36116 so  
2 she could get a full core zone, because she  
3 wasn't getting her full core zone, because  
4 she was getting done too early. NOW she's  
5 got the 116 area except for a small portion  
6 she doesn't have, which Isaac has. So that  
7 area is covered at the current time.

8 Now with the package temp going south,  
9 there will be a cutoff -- a problem again.

10 CT: Well, Kent, you know, I don't know.  
11 I -- I just -- I'm a nervous wreck. I took  
12 out insurance. I took out health insurance  
13 on me and my wife and my boys and when --  
14 now, last week, I had to cancel that because  
15 I couldn't even pay for that.

16 I mean, this is just -- this is -- And I  
17 know I'm beating a dead horse by saying this,  
18 but this is just -- this put me in a heck of  
19 a position I've never been in in my life. I  
20 mean, I really don't.

21 Now I've got to deal with Chad at Stearns  
22 about the truck and, you know, that goes back  
23 on my credit, Kent. I've got excellent

1 credit. I mean, I do. I mean, I have worked  
2 all my life to try to have something. I  
3 thought that this would be something that I  
4 could build toward and do a good job, be --  
5 you know, strive to be one of the best guys  
6 that you had, and now this -- I hope to the  
7 good Lord nothing happens to me physically as  
8 far as my health and this truck situation. I  
9 mean, I can't pay for the truck. I just  
10 cannot do it. And it will destroy my credit.  
11 I mean, I -- you know -- Well, I guess when  
12 he calls me -- he said he was going to call  
13 me back this afternoon. I don't know what  
14 the conference call is about so, apparently,  
15 that fell through, too. So I don't know.  
16 But anyways, man --

17 KG: He told me this morning -- He called  
18 me at 8:30 this morning. He told me that he  
19 was going to meet with -- they were going to  
20 discuss it some more and talk to some big  
21 shots and -- (unintelligible) -- what they  
22 could get done.

23 CT: Well, you know, he ought to let them

1 know that Charlie Thornton has got the truck  
2 and they just can't say, oh, well, Charlie,  
3 you can go to Anniston. That's not my home.  
4 And Anniston, I would say, is probably two to  
5 three hours away, you know, north of here. I  
6 mean, that -- that is just not logical. I  
7 mean, that is just -- I mean, it's like a,  
8 well, Charlie could do this and it's a easy  
9 thing, just get him -- that's it and that's  
10 all we can do. Now his butt is hung out to  
11 dry. But it's -- you know, it's -- I don't  
12 know, Kent. I just don't know.

13 Well, somebody up the ladder at Fed Ex  
14 needs to call me and let me know what they  
15 can do, because I have no options. I mean --  
16 other options to take than to get some advice  
17 on what to do with this, because it's -- it's  
18 bad. It's just bad, bad. Well, Kent, if you  
19 hear anything, man, just let me know, please.

20 KG: I'll be glad to let you know  
21 something.

22 CT: Thanks a lot.

23 KG: (Unintelligible.)

1 CT: Okay. Bye-bye.

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1                   PHONE CALL WITH RICHARD JEAN

2           Q. - Charlie Thornton

3           A. - Dick Jean

4           Q.    Now, Dick, I've got a situation that  
5   I need to really discuss with somebody, and I  
6   didn't know really which way to go with it.

7           A.    Are you currently a contractor?

8           Q.    Yes, sir. Well, I tell you what.  
9   Let -- If I may, if you will let me start  
10   back from the beginning.

11          A.    Okay. No problem.

12          Q.    I'll let you know where I'm coming  
13   from. Like I say, I'm in the Montgomery,  
14   Alabama area. And back in January, I was  
15   interested in looking into the Fed Ex Home  
16   Delivery side of the Fed Ex.

17          A.    Okay.

18          Q.    And I went to an informational  
19   meeting --

20          A.    Okay.

21          Q.    -- with Stan Trott.

22          A.    Were you a contractor at that point  
23   in time?

1 Q. No, sir. I was not.

2 A. Okay. All right.

3 Q. And, you know, me and my wife both  
4 went. We was interested. I knew there were  
5 some things that I needed to, you know --  
6 some hoops to jump through.

7 A. Right.

8 Q. And, you know, I completed all those.  
9 I went through all the training and  
10 everything.

11 Dick, I have got a \$40,000 vehicle  
12 sitting in my front yard right now -- Fed Ex  
13 van. I've been approved. The route was  
14 approved. I've got my numbers and  
15 everything. And if you want me to get those,  
16 I can do that real quick. And I've been told  
17 that there's no route for me now.

18 A. What?

19 Q. I've got a -- It's a bad situation.

20 A. Did you ever sign a contract?

21 Q. The -- Well, I -- I signed so many  
22 things, Dick, I don't know what all I  
23 actually signed.

1           A.    Okay.  Did they give you a copy of a  
2           signed contract?

3           Q.    No, sir.

4           A.    Okay.

5           Q.    It's been a long, drawn-out  
6           situation, and it's rocked on since January  
7           and February.  They said with Stan leaving,  
8           my papers --

9           A.    Okay.  Stan -- Stan was the manager  
10          there?

11          Q.    Well, he was actually the ground  
12          manager.  There was no --

13          A.    Are they co-located in one building?

14          Q.    Yes?

15          A.    Okay.  The reason I'm asking a lot of  
16          questions, Charlie, is, number one, I don't  
17          even handle the South, so I don't know how  
18          you got my name.  I handle the West Coast.

19          Q.    Oh, really?

20          A.    That's neither here nor there.

21          Q.    Well, I'll tell you how I got your  
22          name.  I had been trying to talk to a  
23          gentleman by the name of Jeff White who

1 handles -- he's an engineer for this area.

2 A. Okay.

3 Q. And I have not been able to get any  
4 information out of him as far as a contact --  
5 being able to contact anyone above him.

6 And Chad Primus -- which you may know  
7 Chad -- he's with Stearns Bank where my truck  
8 is financed.

9 A. Okay. No. I don't know him either.  
10 Okay. He just -- He's pretty upset with this  
11 situation, too, and -- He called me this  
12 morning saying that he had called, you know,  
13 corporate office. And he got your name  
14 and -- is it Tim --

15 A. Tim Edmonds.

16 Q. -- yes, Tim Edmonds.

17 A. Yes. He's a director.

18 Q. And he told me -- he said, Charlie,  
19 both the guys are out of town right now but,  
20 you know, if you can at least -- it will be a  
21 contact point. Maybe you could go from there  
22 with it.

23 A. Okay. Have you spoken to anybody at

1 all in the past in Contractor Relations?

2 Q. No, sir. I have not.

3 A. Okay. All right. All right. So  
4 here we are, you've got a \$40,000 vehicle  
5 sitting in your driveway.

6 Q. Yes, sir.

7 A. You're making payments on it.

8 Q. Well, my first payment --

9 A. About to?

10 Q. Yes, sir. The end of May. \$730.

11 A. And the people in Montgomery,  
12 Alabama, are telling you that they don't have  
13 a route for you?

14 Q. Yes, sir.

15 A. Who is -- Who told you in Montgomery  
16 that they don't have a route for you?

17 Q. Well, I tell you, when I -- If I may,  
18 I'll back up just a little bit. When my  
19 truck -- Well, let's go back to January. I  
20 was told in January that there was three  
21 routes available.

22 A. Who told you that?

23 Q. Stan Trott.

1 A. Stan what?

2 Q. Trott. He was the ground manager.

3 A. Stan Trott, manager?

4 Q. Yes.

5 A. I'm writing this down.

6 Q. I can understand. And, you know,  
7 there was three routes -- And I know you  
8 don't know this area. But there was a Troy  
9 route, Montgomery route, and a Wetumpka  
10 route. That's pretty much -- probably a  
11 75-mile radius of Montgomery.

12 A. Wetonka?

13 Q. Wetumpka?

14 A. How do you spell that?

15 Q. W-E-T-U-M-P-K-A. It's an Indian  
16 name.

17 A. Okay. So those are the the three  
18 routes?

19 Q. Troy, Montgomery, and Wetumpka.

20 A. Troy, Montgomery and --

21 Q. Wetumpka.

22 A. -- Wetumpka?

23 Q. There you go. And so, you know, I

1       said, hey, it looks good because, you know,

2       I --

3           A.    Did you tell them which one you  
4       wanted or they tell you you could have any  
5       one of the three or --

6           Q.    Well, to be honest with you, Dick, I  
7       live in the -- I live very, very close to  
8       Wetumpka. It's on the outskirts of  
9       Montgomery.

10          A.    Okay.

11          Q.    And I said, hey, that sounds great.  
12       But it was -- it was not that I wouldn't take  
13       any of the three, because they are not really  
14       bad routes.

15          A.    Right.

16          Q.    But anyway, the situation rocked on.  
17       I went to the training.

18          A.    Okay. Now, where is this Stan Trott  
19       now?

20          Q.    Okay. He retired?

21          A.    Retired.

22          Q.    Yes, sir. He had like 26, 27 years  
23       with the company.

1 A. Okay.

2 Q. And he -- he retired.

3 A. Okay. All right. So then what  
4 happened?

5 Q. And so, you know, I went in. I had  
6 done my background check, took my DOT  
7 physical. You know, I had to be able to  
8 secure financing to be able to get a van. I  
9 mean -- You understand the qualifications.  
10 And anyway, all that, you know, was put  
11 together. I went to Birmingham for a  
12 eight-day training course with Omar Newman.

13 A. Driver training?

14 Q. Yes, sir. You know, the safety  
15 training. And I came out of there. I got  
16 back to the terminal in Montgomery.

17 A. That was when?

18 Q. That was -- I tell you, let me get my  
19 papers; okay? Hold on one second. I can  
20 look at the dates. Hold on one second.

21 A. Sure.

22 Q. Let's see.

23 A. Hang on just one second.

1 Q. Yes, sir.

2 A. I'm in the middle of something. I  
3 just want to wrap it up.

4 Q. Okay. Let's see here. My training  
5 was January -- it started January the 24th.  
6 So I spent four -- I spent four days of that  
7 week and then four days of the next week in  
8 Birmingham with Omar and -- let's see. When  
9 I -- when I came out of there --

10 A. You passed?

11 Q. Sir?

12 A. You passed the class?

13 Q. Oh, yes, sir.

14 A. So now you've gone to this this QPDL  
15 class. You've taken a DOT physical and drug  
16 screen. You passed all that. They did a  
17 background check on you. Did they tell you  
18 that passed, too?

19 Q. Yes, sir. Everything passed.

20 A. All right. So you passed everything.  
21 Did anybody tell you at any time to go out  
22 and buy a truck?

23 Q. No, I did not go out and buy a truck.

1 I did not do that.

2 A. All right. How did you end up with a  
3 truck in your front yard?

4 Q. Okay. All my paperwork was going  
5 through. And when Stan -- Well, actually,  
6 Stan left, and they got a new ground manager  
7 in. And then a fellow by the name of Kent  
8 Gastineau came from Chattanooga, Tennessee  
9 to, manage the Home Delivery side. Well, I  
10 knew that Fed Ex would not supply me a van  
11 until -- everything was approved, a route was  
12 approved --

13 A. Right.

14 Q. -- and everything.

15 A. Okay.

16 Q. So this thing rocked on for a long  
17 time. I had been in contact with the  
18 terminal with Kent. Chad promised that  
19 Stearns Bank, which Chad -- you know, he  
20 wanted to know what was taking so long, and  
21 we was always told that the paperwork was  
22 messed up; somebody didn't sign this or  
23 somebody misplaced this and they had to get

1       it together, and they blamed it on Stan.

2               Well, I just, you know, give them the  
3       benefit of the doubt. I said, okay, no  
4       problem; you know, that I would like this  
5       thing to be rushed along, because I quit a  
6       job to go to work and, you know, the sooner  
7       the better. So that's fine. Well --

8       A.    Okay. Is there a new senior manager  
9       that came in to replace Stan Trott at Ground?

10       Q.   Yes, sir. It's a lady. I have  
11       not -- I've never met her. You know, I've  
12       dealt basically with Kent.

13       A.    All right.

14       Q.    Kent Gastineau.

15       A.    All right. Who was the manager at  
16       Home Delivery prior to this Kent Gastineau?

17       Q.    Okay. It was a gentleman by the name  
18       of Joe McConnell. He worked -- He actually  
19       managed the Birmingham, Alabama terminal and  
20       would go from Birmingham to Montgomery back  
21       and forth to help Stan -- I guess to help  
22       Stan out. I'm just assuming that, you know.  
23       But I -- that's --

1 A. Okay.

2 Q. -- the way I understood it.

3 A. Nobody at any time told you that,  
4 okay, everything is approved, go out and get  
5 the truck?

6 Q. The only thing that I was told was  
7 that I would have to call Stearns Bank and  
8 make sure that I could finance a truck.

9 A. Okay. Who told you that?

10 Q. Well, I mean, it says it in the ad.  
11 It says that you have got to be able to  
12 secure financing on a van. So I did not go  
13 out, Dick, and say, hey -- You know, I knew  
14 my credit was good.

15 A. Right.

16 Q. I did not go out and say, hey, you  
17 know, I want to buy a van -- boom. I didn't  
18 do that. Because like I said, I knew that  
19 they would not -- I knew that Fed Ex would  
20 not release the funds for a van or let me  
21 purchase a van unless things were approved  
22 and they issued a van number --

23 A. Okay.

1 Q. -- for the truck.

2 Well, after this thing rocked on for  
3 several months, I get a call from Kent --  
4 Kent Gastineau in the terminal in  
5 Montgomery -- and he said that everything has  
6 been approved, you'll be actually working the  
7 Wetumpka/Elmore County area, which Wetumpka  
8 is in Elmore County. And Fed Ex has  
9 released, you know, a number, a van number,  
10 and I'm going to go ahead and e-mail that to  
11 Stearns Bank and -- where we can get the  
12 process going to get your van.

13 I said, okay. You know, I want to  
14 know for sure that I am going to be able --  
15 you know, that's the route that I'm taking.

16 A. Right.

17 Q. And so I went in to --

18 A. Do you have an approximate date where  
19 all this stuff transpired where Kent said  
20 it's all approved, Wetumpka is going to be  
21 your route, and Elmore County, Fed Ex has  
22 released the --

23 Q. Yes, sir. Yes, sir. Approximate

1 date as far as -- Let me get my calendar.

2 Hold on one second.

3 A. All right.

4 Q. Okay. I had went in to see Kent  
5 around the last week of May. Well, let's  
6 see.

7 A. Last week of May?

8 Q. Well, not May. It was -- that's --  
9 This is the last week of May. I meant to say  
10 April. Around the week of the 10th of April  
11 to discuss it, because I knew that it would  
12 take the truck about seven working days to be  
13 delivered.

14 A. All right.

15 Q. And so I went in and discussed it  
16 with him. He showed me on the computer where  
17 the route was, basically told me that the  
18 core zone paid and everything about it. And  
19 he said that we would have to get on the  
20 computer and sign the contract and go from  
21 there. He showed me on -- he gave me a --  
22 I've even got a manifest that he had  
23 highlighted in Elmore County showing me --

1           A.    But did he say -- When did he say he  
2           needs to get on the computer to sign a  
3           contract?

4           Q.    Well, we was going to do it that day  
5           and he -- when he got on the computer, he  
6           said it wouldn't let him access, you know,  
7           the whatever he needed to access for me to  
8           sign off.

9                   Now, I had already, you know -- Since  
10          Fed Ex had sent Stearns Bank the van number  
11          and everything, Stearns turned around and  
12          they sent me the paperwork, which I had to  
13          sign that paperwork, get it notarized, and  
14          also --

15          A.    What's the van number?

16          Q.    I'm not sure what the van number is  
17          because I haven't even -- Let's see here.  
18          I've got it written here.  It's 741311.

19          A.    Okay.

20          Q.    So I had to --

21          A.    Van number is 741311 to Stearns Bank.

22          Q.    Yes, sir.

23          A.    That was done by Kent?

1 Q. That was -- Well, it was e-mailed  
2 from, I guess, Corporate to Kent, and then  
3 Kent e-mailed the number to Chad Primus at  
4 Stearns Bank.

5 A. Okay. All right. Okay. So they do  
6 that, and then Stearns Bank tells you that  
7 they got a vehicle number, it's approved.

8 Q. Yes. Everything is approved.

9 A. Send you the contract to sign.

10 Q. Right. And I had to -- you know, I  
11 had to get insurance on the van.

12 A. Pay cash or you lease the thing?

13 Q. Yes. I'm leasing it. And I had to  
14 get insurance on it and everything.

15 A. All right. Okay. Now, I've got  
16 basically all -- pretty much all the details.  
17 What's going on now?

18 Q. Okay. I tell you, I have one other  
19 thing you may want to jot down. When Chad  
20 called me this morning, he gave me a --

21 A. Chad is with Stearns Bank?

22 Q. Yes, sir, he is. He gave me an  
23 approval number that he got from someone at

1 Corporate and he also give me a work area  
2 number. Would that help you?

3 A. Yes. Hang on here.

4 Q. It's an ID number?

5 A. Approval number for the work area?

6 Q. Okay. The work area number he gave  
7 me was 112-069.

8 A. Okay. What's the other number he  
9 gave you?

10 Q. I guess it is an approval number. It  
11 was 47793. And that's when he told me to  
12 give you a call.

13 A. All right. Okay. Now, when is the  
14 last time you spoke to Kent about what's  
15 going on here?

16 Q. Okay. When he told me he could not  
17 access the information in the computer.

18 A. Which that was the week of April  
19 10th?

20 Q. That was -- Right. Thereabout. That  
21 was on a --

22 A. Okay.

23 Q. -- on a Thursday, and I expected my

1 truck to be in the next Tuesday, which would  
2 have been Tuesday two weeks ago.

3 And he told me, he said, well, I  
4 can't access it; we will just -- we're going  
5 to start you on that Tuesday when your truck  
6 comes in. We're hoping that it will come in  
7 on Monday or Tuesday. Well, the truck did  
8 not come in until that Tuesday.

9 A. Okay. So Kent said he would start  
10 you that --

11 Q. Yes, the following week.

12 A. Would have been somewhere around the  
13 18th.

14 Q. I'm assuming so, yes, because I --  
15 you know, I didn't really write down the  
16 dates, but I know it's -- it has been --  
17 let's see -- counting this week, I have had  
18 my truck now for two and a half weeks, I'm  
19 pretty sure.

20 A. Okay.

21 Q. And --

22 A. All right. So, now, then what  
23 happened?

1           Q.    Okay.  He claimed -- Well, he told  
2           me, he said, don't worry about it.  He said,  
3           I'll get everything straightened out and we  
4           will get you up and going.  So, you know,  
5           Kent seems like a nice guy and I'm pretty  
6           sure he is, so I took him for his word.

7                     Well, what transpired after that was:  
8           I called Kent before the truck came in and I  
9           asked him, I said, you know, can you do it?  
10          Can you get -- have you been able to access  
11          it?

12                    No, I haven't been able to access it.  
13          I don't know.  He said, you know, we have  
14          changed some of the stuff on the scanner to  
15          where we can uplink -- we don't have to come  
16          into the terminal anymore -- and they are  
17          doing some work on the computer.

18                    I said, well, okay, I can understand  
19          that.  So I -- you know, I just -- the next  
20          week, I go on in and I get my truck, and we  
21          do an inspection on the truck and I sign off  
22          on that.

23                    And he tells me, he said, Charlie,

1        what we will do is just -- we will start the  
2        next week.

3            A.    Which would be when?

4            Q.    Sir?

5            A.    Which would be when?

6            Q.    Well, that would have been week  
7        before last. We would have started on  
8        Tuesday because, you know, the week for Home  
9        Delivery starts --

10          A.    That would be --

11          Q.    So that would have been --

12          A.    -- the 3rd of May.

13          Q.    Let's see. Yes. Been the 3rd --  
14        yes, the 3rd of May. Well, he told me that  
15        we would sign off on everything on the 3rd,  
16        wouldn't take, you know, just a very short  
17        period of time to do that.

18                He told me, in the meantime, I needed  
19        to go to the Elmore County sheriff's  
20        Department and I needed to get a 911 map  
21        directory. So I went up there and purchased  
22        that, which that was \$25. He said, that will  
23        really help you in finding your locations

1       because it's kind of a rural route. So I  
2       went ahead and done that. Well, I was set to  
3       go. You know, I've already got all my  
4       uniforms and everything.

5       A.     Got you your uniforms, too?

6       Q.     Oh, yes. I've got everything. I got  
7       a full tank of gas. Man, I'm ready to roll.

8       A.     I can hear that.

9       Q.     On Monday -- and I'm really -- I was  
10      really excited about it and I still want  
11      to --

12      A.     This past Monday, the 16th?

13      Q.     No, sir. It would have been --

14      A.     The 9th?

15      Q.     No. It would have been Monday, the  
16      2nd. I was getting ready. And about nine  
17      o'clock Monday night, Kent calls me on his  
18      way back from -- Well, actually, to be honest  
19      with you, it was Monday, the 9th -- right --  
20      because Mother's Day was on the 8th. He was  
21      on his way back.

22      A.     All right. On the 10th, not the 3rd?

23      Q.     Yes, sir. It would have been the

1 10th.

2 A. All right.

3 Q. Because he was on his way back from  
4 Chattanooga going to see his mom because of  
5 Mother's Day. So he called me about nine  
6 o'clock on that Monday night. And he says,  
7 Charlie -- and, Dick, as God is my witness,  
8 he said this -- he said, I have messed up.

9 And I said, what do you mean, Kent?

10 He said, I messed some paperwork up;  
11 I signed some things wrong; I submitted them;  
12 and you can't start on Tuesday. He said,  
13 what I'm looking at doing, it should go  
14 through and come back to me, and we are going  
15 to start you on either Thursday -- Hopefully,  
16 I'll get it on Thursday or Friday, which  
17 would have been the 12th or the 13th.

18 So I'm thinking, here we go again  
19 because I've heard this same story about  
20 paperwork for several months.

21 A. Right.

22 Q. Now --

23 A. Getting old now.

1 Q. Yes. So, you know, I say, okay, what  
2 can I do? There's nothing I really can do.

3 A. Right.

4 Q. So it rocks on.

5 A. The 12th and 13th have gone by. You  
6 are still not there?

7 Q. Yes, sir.

8 A. What did he tell you on the 12th and  
9 13th?

10 Q. Well, it was still -- He had not  
11 heard anything. Very vague in his answers.  
12 Well, so, the 12th and 13th rocked by. And  
13 then on Saturday, I called and that was  
14 the -- let me see --

15 A. The 14th?

16 Q. Yes, sir. That was the 14th. And,  
17 you know, I said, Kent, you've got to tell me  
18 what's going on. You know, I've got a \$730  
19 truck payment that has got to be made on the  
20 25th of May and I just don't really know what  
21 I am going to do. I said, I -- you know, I  
22 really don't know.

23 And he said, Charlie, I tell you

1        what. He said, we've got a problem. And he  
2        sounded -- you know, he sounded really  
3        nervous and kind of shaky about it.

4        A.    When was that payment due?

5        Q.    It's due on the 25th.

6        A.    Okay.

7        Q.    And he said, I want to tell you  
8        something. He said, I -- He said, I'll make  
9        your truck -- this month's truck payment for  
10       you.

11           And I said, well, that's not the  
12       point, Kent. I said, I need to go to work.  
13       I said, I've been doing this now going on --  
14       in June, it will be five months. And I said,  
15       it's taking a toll on me as far as  
16       financially and everything.

17           Because really, Dick, what I was  
18       looking at doing -- you know, I'm 48 years  
19       old. I was looking at starting something  
20       from the ground up for basically my boys.  
21       I've got four boys.

22       A.    Right.

23       Q.    And I wanted to build something for

1       their future. I've got two sons that are  
2       grown, but I have two that are not, and it  
3       would be a good opportunity for them.

4           A.    Sure.

5           Q.    And he said, well -- He said, we've  
6       got a problem. He said, they should have  
7       never approved your truck for you.

8           I said, what?

9           A.    Who, Stearns?

10          Q.    No. Fed Ex.

11          A.    Oh.

12          Q.    Not Stearns. I mean, Stearns, you  
13       know --

14          A.    Why shouldn't they have approved the  
15       truck?

16          Q.    Well, he was telling me that Jeff  
17       White, which is the engineer for the  
18       Montgomery area, told Kent that he blindsided  
19       him with this route. He's got eight routes  
20       out of Montgomery. And he wanted -- he  
21       needed a ninth route.

22                Well, in my opinion or -- my thinking  
23       was that they had three that was open and

1 Jeff pretty much told him that, look, there's  
2 no route. There's a guy running that  
3 Elmore/Wetumpka route as a supplemental route  
4 right now.

5 So I'm thinking, well, what's going  
6 on with Troy and what's going on with the  
7 Montgomery route? And come to find out, the  
8 Troy -- another young man is working Troy.  
9 He's a contractor.

10 And then on the Montgomery route,  
11 they have given that to another lady on top  
12 of the route that she was already running.  
13 So there's no routes. And for some reason,  
14 Kent was telling me all along that this  
15 Wetumpka route -- and showing it to me  
16 telling me what to do.

17 A. How could --

18 Q. I don't know.

19 A. All right. Okay. So now where are  
20 we?

21 Q. Okay. Where we are at now, I call  
22 Jeff, and I said, Jeff, you know, you've got  
23 to help me out here. Something's got to

1 give.

2 He said, Charlie -- He, said there's  
3 a fellow by the name of Pettaway that is  
4 running that Wetumpka route, that he's  
5 running it. He said, I -- I can't get  
6 something approved that's not there.

7 And I said, well, why wasn't this  
8 told to me in the beginning?

9 He said, I'll tell you what I want  
10 you to do.

11 Now, this transpired yesterday,  
12 which -- what was yesterday, the 23rd? I  
13 talked to Jeff on the -- which was the 22nd,  
14 which was this past Saturday.

15 A. Uh-huh.

16 Q. And he told me, I'm fixing to go into  
17 a meeting. I've got your --

18 A. The 14th here? We are not even up to  
19 the 23rd. We are not even up to the 23rd  
20 yet.

21 Q. Well, let's see. The 14th -- Yes.  
22 The 14th was Saturday; right?

23 A. Yes.

1 Q. Okay. Yes, the 14th. The 14th was  
2 Saturday. I said, I've got off the phone  
3 with Kent and, you know, he has told me  
4 that -- in a roundabout way that I don't have  
5 a route. I do not have a route. And what he  
6 has promised me and told me that I had and  
7 he's submitted it and it got approved, it  
8 doesn't exist.

9 And Jeff said, well, Charlie -- he  
10 said, I have got your contract with Stearns  
11 on your truck and I've got all your paperwork  
12 in my hand, and I'm going into a meeting  
13 around three o'clock. He said, I will call  
14 you back or I will have Kent call you back.

15 Well, I never heard anything from  
16 anybody. Finally, on -- let's see -- well,  
17 he said this, too. He said, I will --

18 A. Deal with the situation?

19 Q. Sir?

20 A. Was he going into this meeting to  
21 deal with your situation?

22 Q. Apparently so, from the way it  
23 sounded. But he also told me -- He said, I

1 tell you one thing. I want you to -- come  
2 Monday morning, he said, 10:00, 10:15  
3 Central Standard Time, I want you to call.  
4 And he gave me a number. He said, we are  
5 going to have a conference call. It's going  
6 to be you and I, Kent, and -- he didn't name  
7 anybody, but he said some guys from  
8 corporate.

9 I said, that's great; I have no  
10 problem with that.

11 A. What time was this on Monday?

12 Q. He told me to call them around 10:15  
13 on Monday.

14 A. Okay. Conference call with Kent?

15 Q. Yes. I'm sorry. Not on Monday, but  
16 on Tuesday.

17 A. Tuesday the 17th?

18 Q. Yes, sir, the 17th.

19 A. Yesterday?

20 Q. Yes, sir. Yes, sir.

21 A. Okay. Call me on a conference call  
22 with Kent, Jeff --

23 Q. And some guys from corporate. You

1 know, he didn't call any names.

2 A. So you called him.

3 Q. I called him on Monday and he told me  
4 to call him on Tuesday.

5 A. Right.

6 Q. And he asked me -- he said, did Kent  
7 call you on Saturday?

8 I said, no, sir, he did not. I  
9 haven't heard from anybody.

10 He said, well, I called him Saturday  
11 afternoon and I told him to contact you.

12 I said, well, you know, that's  
13 neither here nor there; he didn't do it.

14 And he said, Charlie, this thing is  
15 going to be near to impossible to approve.

16 I said, Jeff, I thought it was  
17 already approved. I said, you know,  
18 everything -- I've got showing everything has  
19 already been approved.

20 He said, well, that's -- That's when  
21 he told me he wanted me to call and do the  
22 conference call.

23 Well, I called at 10:15 yesterday

1 morning.

2 A. Yes.

3 Q. And I talked to a young lady by the  
4 name of Carol. And she said he was in a  
5 meeting and that he would call me back  
6 yesterday afternoon. I never heard from him.

7 A. That was Jeff; right?

8 Q. Sir?

9 A. That was Jeff?

10 Q. Yes, sir. So I got off the phone. I  
11 called Kent. Kent pretty much told me the  
12 same thing that he had already said on  
13 Saturday, that they shouldn't have done it  
14 or -- you know.

15 And so I just said, well, I need to  
16 call Jeff back and make sure that he gives me  
17 a call, because I have got to know what to  
18 do.

19 Well, I told Kent while I had him on  
20 the phone on Tuesday, he said -- he said, you  
21 know, Charlie, I told you I was going to make  
22 that truck payment for you. He said, but you  
23 know you got me in a lot of trouble.

1 I said, how did I get you in trouble?

2 He said, you told Jeff on Saturday  
3 when you spoke to him that I said I would  
4 make your truck payment.

5 I said, well, you know, Kent -- I  
6 said, I was a little -- a little upset. I  
7 said, I'm looking at -- you know, I'm looking  
8 at a big issue here with me and my family. I  
9 don't know how I'm going to make a \$700 truck  
10 payment. And I -- you know, Kent -- I mean  
11 Jeff on Saturday was not giving me any  
12 straight answers. And I said, I just told  
13 him -- I said, well, I've got somebody that  
14 will make this month's payment. And I said,  
15 it's Kent.

16 Well, Jeff called Kent and told him  
17 that he couldn't do that because I was not an  
18 employee. But Kent still -- you know, he  
19 still had -- insisted on making the payment.  
20 He told me to send him the invoice for the  
21 truck payment. So that's what I have done.  
22 I've mailed it to him. But I have not heard  
23 back from Jeff.

1 Chad at Stearns Bank, he has -- he's  
2 talked to him, and Chad told him that if he  
3 had to, that he would go over his head as far  
4 as talking to someone because of -- Chad told  
5 me he's never had a situation like this with  
6 Fed Ex to where they have approved an  
7 individual and there was nothing there, you  
8 know, and they ship a truck and then the guy  
9 does not have a job.

10 A. Right. He said he had never  
11 experienced that before?

12 Q. Chad said he has not experienced it.

13 A. I haven't either.

14 Q. And you know -- so I'm -- Dick, I'm  
15 kind of in -- I'm in a pickle, man. I --

16 A. So where are we at? This is where  
17 we're at right now?

18 Q. That's where we're at right now. And  
19 I told Kent back before all this came to a  
20 head, he had some problems with the young man  
21 that was running the Troy route. And I even  
22 told Kent at the time, I said, look, if you  
23 can't nail him down -- because I think he was

1       having some problems financing a truck. He  
2       just didn't have -- They was asking for an  
3       enormous down payment. He didn't go through  
4       Stearns Bank. He went through somebody else.

5               I said, look, if Isaac cannot get  
6       this van he needs, I will take the route.  
7       You just let me know. And I said, if I need  
8       to check with Chad and see about getting a  
9       sprinter van, I said, I'll do that.

10              And I even called Chad to ask him.  
11       He said, well, you know, Fed Ex, they didn't  
12       like to go with the sprinters anymore.

13              And I said, well, I just wanted to  
14       see what we could do, because Troy is a rural  
15       route.

16              A.    And what kind of truck do you have?

17              Q.    I've got a workhorse.

18              A.    Okay. So P-500?

19              Q.    P-500, yes, sir. And as a matter of  
20       fact, the day I picked it up, I went down and  
21       I had me a radio put in it, you know, to have  
22       me something to listen to while I'm working.  
23       And washed it up. It looks good.

1 A. Brand new truck, ready to go?

2 Q. Brand new, ready to go, man. It  
3 ain't got -- It's like dressed up and ain't  
4 got nowhere to go. But it -- this is --

5 A. Got a little bit of a sense of humor,  
6 Charlie.

7 Q. Well, you know, I try to -- if I  
8 didn't have a sense of humor, Dick, I think I  
9 would just go crazy.

10 A. Shot yourself there.

11 Q. Because I mean, this is -- this is a  
12 big thing. If I -- I can't pay for the  
13 truck. I mean, if I'm going to spend 36, 37,  
14 or whatever it's coming out to be -- close to  
15 \$40,000 on something, hey, I'll by me a bass  
16 boat or a Harley Davidson or something.

17 A. Something you can enjoy other than a  
18 step van.

19 Q. Right. And this is just a terrible  
20 thing.

21 A. Okay. I'm going to have to make a  
22 few phone calls. I'm not going to be able to  
23 wave a magic wand.

1 Q. Oh, I understand.

2 A. There's definitely something wrong  
3 here. I'm going to get ahold of some people  
4 higher up and find out just what's going on  
5 here and get them involved.

6 Q. Well, you know, one thing that -- and  
7 I'm going to keep my cool. I really am,  
8 because I feel like you can accomplish a lot  
9 more by doing that than being, you know --

10 A. Oh, yes, if you lose it.

11 Q. -- getting bent out of shape. But I  
12 would have thought that Jeff would have  
13 called me back and said, hey, Charlie, this  
14 is where we're at; you know, this is what we  
15 need to do; or you need to contact this  
16 person.

17 A. Right.

18 Q. Chad -- If you need to speak to Chad  
19 Primus at Stearns Bank, I can give you his  
20 phone number. Or if --

21 A. Let me have that. Chad what?

22 Q. It's Primus, P-R-I-M-U-S.

23 A. Okay. What's his phone number?

1 Q. His phone number -- his toll free  
2 number is 1 800 247-1922.

3 A. Okay.

4 Q. Because, Dick, in the process of them  
5 saying the paperwork was missing and all,  
6 Chad really went -- he really went to bat for  
7 me, too, because he made phone calls. He  
8 called and said, hey, you know, when is this  
9 thing going to be approved? Or tell me about  
10 the paperwork. Because he said it was taking  
11 a very, very abnormal long time to process  
12 everything.

13 A. Okay.

14 Q. But I had even spoke to Joe  
15 McConnell, you know, in Birmingham to see if  
16 he couldn't get things moving.

17 A. All right. Let me -- Let me get on  
18 this thing, Charlie. I'm just going to  
19 call -- First thing, I'll call Chad just to  
20 reconfirm all this stuff --

21 Q. Okay. That's fine.

22 A. -- and to get my ducks in a row.  
23 Then I'm going to start moving up the chain

1 here.

2 Q. Well, you know, Dick, I want to tell  
3 you something. I had a business in  
4 Montgomery for nine years. I had a -- one of  
5 the top security companies in Montgomery and  
6 I sold it to ADT. And I can understand how  
7 things work. So, you know, I looked at --  
8 when I looked at Fed Ex, I looked at the  
9 opportunity and I looked at the future.

10 A. Sure.

11 Q. And I -- I still feel very strongly  
12 in my heart that it would be a great thing  
13 for me to give to my family, for them down  
14 the road, an opportunity. And so, you know,  
15 I don't want to burn any bridges?

16 A. I understand. I understand. I mean,  
17 you've been wronged here at this point, from  
18 what I can gather, and it needs to be --  
19 fixed someday, somehow. Whether they get you  
20 out from underneath that truck until  
21 something opens up somewhere down the line or  
22 something. But it needs to be right.

23 Q. Well, one thing that -- Yesterday, I

1 was speaking to Kent. And Kent said,  
2 Charlie, they have a route available in  
3 Anniston, Alabama.

4 I said, Kent. Anniston, Alabama?

5 He said, yes.

6 Well, from where I live, Dick, to  
7 Anniston, it's a good two-and-a-half,  
8 three-hour drive one way.

9 I said, Kent -- I said, this is not  
10 practical.

11 A. Yes.

12 Q. I mean, that's just not practical.

13 A. I don't think that's an acceptable --

14 Q. I said, I hate to say this, but --  
15 but I said, it's just not a practical --

16 A. I tell you what, Charlie. It sounds  
17 as though they did screw up, which that's  
18 their problem.

19 Q. Yes.

20 A. But I -- I would -- I mean, if -- if  
21 they got the truck out from underneath you  
22 and then said, you know, next time that  
23 something does become available in Birming--

1 Q. Montgomery.

2 A. -- Montgomery, you would be in line,  
3 would that satisfy you to a certain extent?

4 Q. Well, I tell you -- Well, it would,  
5 Dick. But, you know, the thing about it is,  
6 I have -- it's been -- I have not been  
7 employed for five months.

8 A. Right.

9 Q. And I -- I believed in what these  
10 guys were telling me. And I said, well, hey,  
11 I'm going to give them the benefit of the  
12 doubt and -- because this thing is going to  
13 break loose and everything is going to be  
14 well and good.

15 A. Right. I mean, I'm just throwing  
16 things out here because they either have the  
17 work area -- realistically, they either have  
18 a work area or they don't.

19 Q. Right.

20 A. If they don't and they just create  
21 one, that -- that's just going to hurt  
22 everybody. Because then, you know, you're  
23 not going to make enough settlement to cover

1       your costs and it will affect the other  
2       contractors that they take work area away  
3       from.

4           Q.    Let me ask you a question maybe you  
5       can answer, because I'm puzzled with it. In  
6       the beginning when they said there was three  
7       areas open --

8           A.    Yes.

9           Q.    -- why did they fill those areas?

10          A.    I have no idea.

11          Q.    Or, you know, at least two of the  
12       areas with -- with contractors that was  
13       already working? You know --

14          A.    Need a crystal ball on that one,  
15       Charlie.

16          Q.    Oh, yes. I know.

17          A.    Haven't a clue. I don't know how  
18       somebody can say something like that and  
19       then, all of a sudden, when there was three,  
20       there are none.

21          Q.    Well, Dick, if you could help me,  
22       man, I would really appreciate it.

23          A.    Let me get started on this and I'll

1 get back to you.

2 Q. Okay. Thank you so much.

3 A. All right, sir. You take care.

4 Q. Have a great day.

5 A. You, too. Bye-bye.

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